

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

PAUL DOUGLAS CELESTINE,  
TDCJ-CID # 872178,

Plaintiff,

v.

G. SEITZ,, et al.,

Defendants.

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CIVIL ACTION NO. H-02-1363

**MEMORANDUM OPINION AND ORDER**

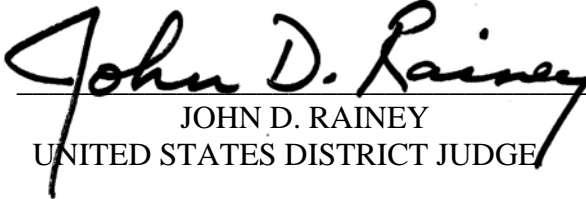
Paul Celestine, a Texas prisoner with a history of filing meritless actions, seeks to reopen this action which was dismissed as frivolous. Celestine contends that this action cannot be dismissed under the three-strikes bar because the filing fee has been paid in full. *See* 28 U.S.C. § 1915(g). This court acknowledged that the fee had been paid and that, although Celestine had previously filed at least three frivolous complaints, he was entitled to present his amended complaint that he was subjected to retaliation and denied access to the courts. The court found that the claims were legally baseless and dismissed this action as frivolous.

The fact that Celestine has paid the filing fee does not shield him from the PLRA's provisions authorizing *sua sponte* dismissal of frivolous prisoner suits. 28 U.S.C. § 1915A; *Martin v. Scott*, 156 F.3d 578, 580 (5<sup>th</sup> Cir. 1998). The court previously found that Celestine's allegations were conclusory with regard to the retaliation claims and that Celestine had failed to identify any legal action in which he was prevented from pursuing by the defendants' actions. He has had a fair opportunity to state his complaint, and he cannot be allowed to continue to submit pleadings until

he blunders his way into the courtroom. *Jones v. Greninger*, 188 F.3d 322, 326-27 (5<sup>th</sup> Cir. 1999); *Jacquez v. Procunier*, 801 F.2d 789, 792 (5<sup>th</sup> Cir.1986).

The court **DENIES** Celestine's Motion to Alter or Amend or Motion for Reconsideration (Docket Entry No. 41) and his Motion to Correct Name (Docket Entry No. 43).

**SIGNED** this 29th day of March, 2006.

  
JOHN D. RAINEY  
UNITED STATES DISTRICT JUDGE